

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN R. VAN ORDEN,

Plaintiff,

vs.

ALLEN BLAKE, et al.,

Defendants.

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Case No. 4:07CV00940 ERW

MEMORANDUM AND ORDER

This matter comes before the Court upon Defendants' Motion for Bill of Costs [doc. #77].

John Van Orden ("Plaintiff") has not responded to this Motion. This Motion requests that the Court tax costs against Plaintiff, pursuant to 28 U.S.C. § 1920. "[C]osts other than attorney's fees shall be allowed as of course to the prevailing party unless the court otherwise directs." Fed. R. Civ. P. 54(d). Defendants filed Motion for Summary Judgment [doc. # 55], and the Court granted judgment for Defendants. Pursuant to 28 U.S.C. § 1920, costs may be taxed for:

- (1) Fees of the clerk and marshal;
- (2) Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case;
- (3) Fees and disbursements for printing and witnesses;
- (4) Fees for exemplification and copies of papers necessarily obtained for use in the case;
- (5) Docket fees under section 1923 of this title;
- (6) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of this title.

28 U.S.C. § 1920. The Court may not award costs that are not authorized by § 1920 because this statute "imposes 'rigid controls on cost-shifting in federal courts.'" *Brisco-Wade v. Carnahan*, 297 F.3d 781, 782 (8th Cir. 2002) (internal quotation omitted); *168th and Dodge, LP v. Rave Review Cinemas, LLC*, 501 F.3d 945, 957 (8th Cir. 2007). Upon objection by the opposing party

as to authorized costs, however, the Court may exercise its discretion to grant or deny costs.

Pershern v. Fiatallis North America, Inc., 834 F.2d 136, 140 (8th Cir. 1987).

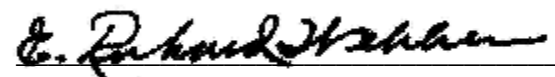
Defendants seek \$310.25 in costs for fees of the court reporter. The Plaintiff in this case has not filed an objection, and therefore the Court concludes that Defendant is entitled to costs in accordance with Rule 54(d) and 28 U.S.C. § 1920. The transcript was necessarily obtained for use in this case, and the \$310.25 requested for the fees of the court reporter is permitted under the statute and therefore will be awarded.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion for Costs [doc. #77] is
GRANTED.

IT IS FURTHER ORDERED that the Clerk of Court shall tax \$310.25 against Plaintiff and in favor of Defendants.

Dated this 20th day of January, 2009.


E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE